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November 17, 2017

**UNDER SEAL (PURSUANT TO  
COURT ORDER, DOCKET ENTRY  
DATED NOVEMBER 14, 2017)**

**VIAECF (UNDER SEAL)**

Honorable Steven L. Tiscione  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
New York, New York 10007

Re: Issiah Yusuf v. City of New York, et al,  
15-cv-5545 (ENV) (ST)

You Honor:

I am a Senior Counsel in the Office of Zachary W. Carter, Corporation Counsel for the City of New York, representing defendants City of New York, Police Officer Anthony Byrd, Police Officer Andy Mitchell, Sergeant Jonathan Ringel, Police Officer Richard DeMartino, Police Officer Keith Dipresso, Police Officer Nicolas Ripa, Lieutenant William Glynn, Police Officer Eric Cabrera and Sergeant Neil Casey (“defendants”) in the above-referenced matter. Pursuant to the Court’s Order dated November 14, 2017, I write respectfully to submit the enclosed Grand Jury Minutes for *in camera* inspection.

By way of background, on September 25, 2017, the Court directed defendants to produce the grand jury minutes of New York State Criminal case number 2015QN035864 to plaintiff. Accordingly, an Unsealing Order was endorsed by the Court and defendants received the aforementioned grand jury minutes on or about November 3, 2017, with the intension of producing same to plaintiff. However, after reviewing the aforementioned grand jury minutes,

defendants believe the production of same could severely implicate the safety of a non-party individual, subjecting him or her to serious bodily harm or even death. On November 14, 2017, the Court granted defendants permission to submit the grand jury minutes under seal to the Court for *in camera* inspection. (Docket Entry dated November 14, 2017)

Accordingly, attached as Exhibit A are the grand jury minutes at issue<sup>1</sup>. As the Court is aware, on July 19, 2015, officers arrested plaintiff Issiah Yusuf pursuant to a complaint made by a third party, accusing Issiah Yusuf and other known members of the street gang P.O.S. of assault, battery and robbery. The charges against plaintiff Issiah Yusuf were later dismissed. However, upon information and belief, the criminal cases against the other P.O.S. members arrested for the crimes were resolved before the identity of the witnesses and the nature of their testimony could be revealed. The street gang P.O.S. is known to be a dangerous and violent gang. Recently, several members, including plaintiff Issiah Yusuf, pled guilty to, among others charges, conspiracy to murder and assault.

Therefore, if disclosed, the information contained in the section of the grand jury minutes submitted under seal to the Court reveals could severely implicate the safety of non-party witnesses of the criminal case, subjecting them to serious bodily harm or even death. In light of the serious safety concerns for the non-party individuals, defendants respectfully request that the Court inspect the grand jury minutes *in camera* to determine whether same should still be produced to plaintiffs.

Defendants thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/

Nana K. Sarpong  
Senior Counsel

cc: **BY ECF (w/o enclosures and letter outlining the relevant testimony)**  
Gillian Cassell-Stiga, Esq.

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<sup>1</sup> For the Court's reference, defendants have also attached the grand jury minutes in its entirety as Exhibit B.